

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERIC VANZANT	:	CIVIL ACTION
	:	
v.	:	
	:	
DAVID DIGUGLIELMO, et al.	:	NO. 08-5111

ORDER

AND NOW, this 14th day of July, 2010, upon careful and independent consideration of Erik VanZant's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry # 1), the defendants' response thereto (docket entry # 11), VanZant's traverse (docket entry # 16), the response to the traverse (docket entry # 19), the reply to the response to the traverse (docket entry # 20), the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey (docket entry # 21), VanZant's objections thereto (docket entry # 23), and the response to petitioner's objections (docket entry # 24), and the Court finding that Judge Hey correctly analyzed the timeliness and procedural default issues plaguing VanZant's petition, and that VanZant's objections do not present any substantive arguments that were not already raised in his original petition and traverse and addressed by Judge Hey's Report and Recommendation, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and
ADOPTED;

2. The petition for habeas corpus pursuant to 28
U.S.C. § 2254 (docket entry # 1) is DENIED;

3. VanZant having failed to make a substantial showing
of the denial of a constitutional right, we DECLINE to issue a
certificate of appealability;

4. The Clerk of Court shall TRANSFER this case from
our Civil Suspense docket to our Active docket; and

5. The Clerk of Court shall statistically CLOSE this
case.

BY THE COURT:

/s/ Stewart Dalzell, J.